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**Also admitted in New Jersey**

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5/6/2019

**VIA ECF**

**Judge Elizabeth Stong  
271-C Cadman Plaza  
Brooklyn, NY 11201**

**In Re: Claudia J Vargas aka Claudia Vargas  
Case# 18-43462-ess  
Loan No. ....6636**

Dear Hon. Elizabeth S. Stong:

Our office represents the Debtors, Claudia Vargas, in the above referenced Chapter 13 Bankruptcy matter. Please allow this letter to serve as written status of the Loss Mitigation efforts between the Debtor and Rushmore Loan Management Services, LLC (the "Secured Creditor").

It may become necessary for the Debtor to seek sanctions for bad faith, because Rushmore's purposeful delays have allowed interest to accrue to their benefit and the Debtor's detriment. It is our position that the lender must use the correct income for the modification review to take place with all fairness. It also avoids wasting the judiciary's time and resources.

We see that Gross Polowy office sent correspondence to your Honor dated 5/2/2019 indicating that our office *resubmitted information that the secured creditor already has and reviewed*, **but this representation is completely not true.**

Your Honor, please review our correspondence to you on 4/29/2019, we explained the background and even make the below offer in good faith. At this time, we have not received a response from Gross Polowy in regard to the below proposal:

Upfront contribution \$28,000 (this will be paid from the money paid inside the chapter 13 plan)- please review the chapter 13 plan where it indicates there is \$2800.00 payment per month being paid to Chapter 13 Trustee towards a proposed modification. So, the \$2800 x 10 months (July 2018- April 2019 = \$28,000

New UPB: \$670,445.00 - \$28,000 upfront contribution= total Interest-Bearing Principal:  
\$642,445

Deferred/ Principal forgiveness: to be determined, please reduce the principal as necessary to fit the parameters indicated below

Rate 5.60%



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Term 480 months

P&I \$3,357

Escrow \$630.00

Total PITI \$3,987

Investor Target DTI is 35%

So, to determine DTI, the math is the proposed mortgage payment \$3,987 / GMI: \$11,389.00 (as outlined above) = 35% DTI

In the alternative, we are open to reviewing a counteroffer under different parameters, such as possible higher upfront contribution if required.

The Secured Creditor has all the requested financial documents to proffer a workout solution to his Debtor, we kindly request continuation of the Loss Mitigation and that a representative from the secured creditor is available on 5/7/2019.

Your truly,

*/s/ Brian McCaffrey*

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Brian McCaffrey, Esq